IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

LISA SHACKELFORD, o/b/o MERANDA PIXLER,))
Plaintiff,))
V.) No.07-0163-CV-W-FJG-SSA
MICHAEL J. ASTRUE, Commissioner of Social Security,)))
Defendant.))

ORDER

Plaintiff filed her Complaint on March 6, 2007. On May 11, 2007, the case was remanded pursuant to sentence six of 42 U.S.C. § 405(g) because the hearing tape and claim file had been lost. A new hearing was scheduled, but neither Plaintiff nor her representative appeared at the hearing. On September 11, 2008, the ALJ erroneously dismissed plaintiff's claim for failure to appear at the hearing. Based on this dismissal, the Government filed a Motion for Final Judgment, believing that plaintiff had abandoned her appeal. However, plaintiff then filed suggestions in opposition to this motion, indicating that she wished to pursue her appeal. The Government subsequently moved to withdraw the Motion for Final Judgement. The Government indicated that because the Court had properly remanded the case pursuant to sentence six, that remand was still pending. The Government noted that the Appeal's Council had agreed to give the Plaintiff an opportunity for a new hearing. On October 21, 2009, the Court granted the Government's Motion to Withdraw the Motion for Final Judgment. On July 22, 2011, the Government submitted the Administrative Record after remand and also

filed its Answer. On February 16, 2012, the Court directed plaintiff to file her brief in support of her claim on or before March 9, 2012 or alternatively show cause why the case should not be dismissed. Plaintiff did not file a brief or show cause why the case should not be dismissed. On April 23, 2012, the Court gave plaintiff one final opportunity to file a brief and warned that failure to do so would result in dismissal of the claim. To date, no response has been filed, nor has plaintiff requested additional time to respond to the Order. Accordingly, plaintiff's Complaint is hereby **DISMISSED**.

Date: <u>June 13, 2012</u> Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR. Fernando J. Gaitan, Jr. Chief United States District Judge